

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**OPERATING ENGINEERS  
LOCAL 139 HEALTH BENEFIT  
FUND, et al.,**

**Plaintiffs,**

**v.**

**Case No. 07-C-1012**

**MCDOWELL CONSTRUCTION  
CORPORATION,**

**Defendant.**

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**MEMORANDUM**

Civil Local Rule 41.2 (E.D. Wis. 2001) states that

[i]n all cases in which a defendant has failed to file an answer or otherwise defend within 6 months from the filing of the complaint and the plaintiff has not moved for a default judgment, the Court may on its own motion, after 20 days' notice to the attorney of record for the plaintiff, or to the plaintiff if pro se, enter an order dismissing the action for lack of prosecution. Such dismissal must be without prejudice.

This case was filed on November 15, 2007. Defendant was served on December 13, 2007, as evidenced by an affidavit of service filed with the court on December 17, 2007. Six months have expired since the filing of the complaint, yet to date defendant has not answered and plaintiffs have not moved for default judgment.

Therefore, plaintiffs are put on notice that the court on its own motion shall dismiss this case without prejudice after twenty days from the date of this memorandum unless within that time plaintiff/s take/s sufficient action to prosecute this case.

Dated at Milwaukee, Wisconsin, this 21 day of May, 2008.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge